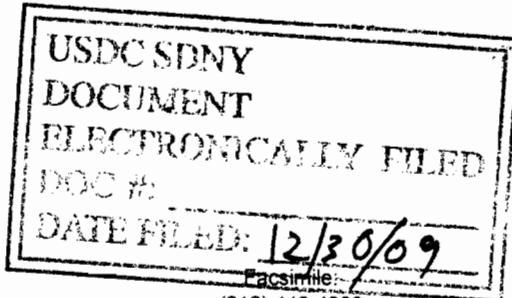


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December 28, 2009

**By Hand Delivery**

Hon. Alvin K. Hellerstein  
U.S. District Judge  
U.S. District Court, S.D.N.Y.  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, New York 10007-1312

Re: *Shepard Fairey et al. v. The Associated Press and Mannie Garcia*  
Case No. 09-cv-1123 (AKH)

Dear Judge Hellerstein:

We are counsel for Defendant and Counterclaim Plaintiff The Associated Press ("The AP") in the above-referenced matter.

We are writing to clarify the date by which The AP must serve its opposition to Plaintiffs and Counterclaim Defendants' Motion for a Protective Order, which was served on Wednesday, December 23, 2009. The Notice of Motion states that The AP's opposition is due within seven (7) days (i.e., by Wednesday, December 30, 2009). However, The AP is entitled to an additional three days to respond because the motion was served by electronic mail. *See Fed. R. Civ. P. 6(d) and 5(b)(2)(E).* Thus, it is The AP's understanding that The AP's opposition to the motion is due by Monday, January 4, 2010.

Please note that Jones Day, counsel for Plaintiffs and Counterclaim Defendants, agrees with this calculation of the time period.

Respectfully submitted,

Claudia Ray

KIRKLAND & ELLIS LLP

December 28, 2009

Page 2

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